

1 RONALD J. TENPAS
2 Assistant Attorney General
3 Environment and Natural Resources Division
4 United States Department of Justice
5 DAVID B. GLAZER (D.C. 400966; MD)
6 Natural Resources Section
7 Environment and Natural Resources Division
United States Department of Justice
301 Howard Street, Suite 1050
San Francisco, California 94105
Telephone: (415) 744-6491
Facsimile: (415) 744-6476
E-mail: david.glazer@usdoj.gov

8 | Attorneys for the United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

15 WESTERN WATERSHEDS PROJECT, *et al.*,) No. 08-CV-1460 PJH
16 Plaintiffs,) STIPULATION & [PROPOSED] ORDER
17 v.) RE: DEFENDANT'S REPLY BRIEF IN
18) SUPPORT OF ITS MOTION TO SEVER
19 UNITED STATES FOREST SERVICE,) CLAIMS AND TRANSFER VENUE
20 Defendant.) Date: September 10, 2008
) Time: 9:00 a.m.
) Hon. Phyllis J. Hamilton

1 Plaintiffs Western Watersheds Project, *et al.* and Defendant United States Forest Service
2 (the “Parties”) submit this Stipulation and Proposed Order extending the time within which
3 Defendant may file its reply brief in support of its motion to sever claims and transfer venue
4 [Dkt. ##51, 52]. Pursuant to Local Rule 6-2, defendant respectfully directs the Court’s attention
5 to the accompanying Declaration of David B. Glazer. Defendant further represents as follows:

6 1. Defendant filed its motion to sever claims and transfer venue [Dkt. ##51, 52] on
7 August 6, 2008, and plaintiffs filed a memorandum in opposition on August 20, 2008 [Dkt. #57].
8 Defendant’s reply memorandum is due August 27, 2008. (Glazer Decl. ¶ 2.)

9 2. The Parties have agreed to ask the Court to continue the hearing on defendant’s
10 motion to sever and transfer pending further case management proceedings. The Parties have
11 also agreed that the defendant may file its reply memorandum on or before September 3, 2008.
12 (Glazer Decl. ¶ 3.)

13 3. Prior to the filing of plaintiffs’ First Amended Complaint, the Parties submitted a
14 Stipulation and Proposed Order extending the time for Defendant to respond to the anticipated
15 amended complaint to July 3, 2008, and continuing the Case Management Conference to July 17,
16 2008 [Dkt. #10]. On May 19, 2008, the Court approved the Stipulation and entered the proposed
17 Order [Dkt. #12]. A Stipulation and Proposed Order was then submitted to move the due date
18 for the Joint ADR Certification or Notice of Need for ADR Phone Conference to the new date
19 for the Case Management Conference Statement [Dkt. #13]. The Court approved that
20 Stipulation and entered the Proposed Order on June 2, 2008 [Dkt. #17]. On July 3, 2008, the
21 Parties submitted a Stipulation and Proposed Order re: Answer to First Amended Complaint and
22 Continuing Case Management Conference [Dkt. #22]. The Court approved that Stipulation and
23 entered the Proposed Order on July 8, 2008 [Dkt. #25], continuing the Case Management
24 Conference to August 14, 2008, staying the defendant’s obligation to respond to the amended
25 complaint, and requiring filing of the Case Management Conference Statement and Joint ADR

26 / / /

27 / / /

28

1 Certification or Notice of Need for ADR Phone Conference by July 25, 2008. No other extensions
2 have been sought by the Parties or granted by the Court in this case. (Glazer Decl. ¶ 4.)
3

4 SO STIPULATED:

5 FOR PLAINTIFFS

6 Dated: August 27, 2008

/s/KLAUS H. HAMM
JEFFREY R. CHANIN
KLAUS H. HAMM
KEKER & VAN NEST LLP
710 Sansome Street
San Francisco, California 94111
Telephone: (415) 391-5400
Facsimile: (415) 397-7188
Email: jchanin@kv.com
khamm@kv.com

12 /s/LAUREN M. RULE
13 LAUREN M. RULE
14 ADVOCATES FOR THE WEST
15 P.O. Box 1612
16 Boise, Idaho 83701
Telephone: (208) 342-7024
Facsimile: (208) 342-8286
Email: lrule@advocateswest.org

17 FOR DEFENDANT

18 Dated: August 27, 2008

/s/DAVID B. GLAZER
DAVID B. GLAZER
Natural Resources Section
Environment and Natural Resources Division
United States Department of Justice
301 Howard Street, Suite 1050
San Francisco, California 94105
Telephone: (415) 744-6491
Facsimile: (415) 744-6476
E-mail: david.glazer@usdoj.gov

25 [PROPOSED] ORDER

26 In consideration of the Stipulation set out above, the Court hereby ORDERS that
27 defendant may file its reply memorandum in support of its motion to sever claims and transfer
28

1 venue [Dkt. ## 51, 52] on or before September 3, 2008. It is further ORDERED that the hearing
2 on defendant's motion shall be continued until a date to be reset by the Court after notice by the
3 Parties following further case management proceedings.

4

5 PURSUANT TO STIPULATION, IT IS SO ORDERED.

6

7

8 Dated: _____

9 HON. PHYLLIS J. HAMILTON
10 UNITED STATES DISTRICT JUDGE

11

12

ATTORNEY ATTESTATION OF CONCURRENCE

13

14

I hereby attest that I have obtained concurrences in this filing for the signatures indicated
by a "conformed" signature ("s") within this e-filed document.

15

16

Dated: August 27, 2008

/s/DAVID B. GLAZER
DAVID B. GLAZER
Natural Resources Section
Environment and Natural Resources Division
United States Department of Justice
301 Howard Street, Suite 1050
San Francisco, California 94105
Telephone: (415) 744-6491
Facsimile: (415) 744-6476
E-mail: david.glazer@usdoj.gov

17

18

19

20

21

22

23

24

25

26

27

28